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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92055020
Party	Defendant StreamOne
Correspondence Address	STREAMONE 522 HUNT CLUB BOULEVARD #149 APOPKA, FL 32703 UNITED STATES
Submission	Answer
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Date	02/13/2012
Attachments	Tech Data v Streamone LLC Answer.pdf (4 pages)(147140 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Registration No. 3,553,646

Registered December 30, 2008

Mark: STREAMONE and Design

TECH DATA CORPORATION,

Petitioner,

Cancellation No. 92055020

v.

STREAMONE LLC,

Respondent.

X

ANSWER TO PETITION FOR CANCELLATION

Respondent Streamone LLC ("Responent" or "Streamone"), hereby Answers the Petition For Cancellation filed by Tech Data Corporation ("Tech Data") pursuant to Sections 14(3) and 35 of the Trademark Act of 1946, as amended (the "Lanham Act"), 15 U.S.C. §§ 1064(3), 1127, as follows:

1. Respondent denies knowledge and information sufficient to admit or deny the allegations set forth in paragraph 1 of the Petition.
2. Respondent admits the allegations set forth in paragraph 2 of the Petition.
3. Respondent admits the allegations set forth in paragraph 3 of the Petition.
4. Respondent admits the allegations set forth in paragraph 4 of the Petition.
5. Respondent denies knowledge or information sufficient to affirm or deny the allegations set forth in paragraph 5 of the Petition.

6. Respondent denies knowledge and information sufficient to admit or deny the allegations set forth in paragraph 6 of the Petition.
7. Respondent denies knowledge and information sufficient to admit or deny the allegations set forth in paragraph 7 of the Petition.
8. Respondent denies knowledge and information sufficient to admit or deny the allegations set forth in paragraph 8 of the Petition.
9. Respondent denies knowledge and information sufficient to admit or deny the allegations set forth in paragraph 9 of the Petition.
10. Respondent denies the allegations set forth in paragraph 10 of the Petition.
11. Respondent denies the allegations set forth in paragraph 11 of the Petition.
12. Respondent denies the allegations set forth in paragraph 12 of the Petition.
13. Respondent denies the allegations set forth in paragraph 13 of the Petition.
14. Respondent denies the allegations set forth in paragraph 14 of the Petition.

AFFIRMATIVE DEFENSES

1. Petitioner is barred by the doctrine of unclean hands from obtaining any relief against Respondent.
2. Petitioner and its claims are barred by the doctrine of laches.
3. Petitioner is estopped from seeking cancellation of the mark owned by Respondent due to its own conduct, which includes false and defamatory statements about Respondent and its rights and use of the mark, the false and misleading statements as to the alleged rights of Petitioner to use of the mark "STREAM ONE" or "STREAMONE," and its improper use of said mark without right or authorization from Respondent.

4. Due to its improper and unauthorized use of the mark, Petitioner is barred from now seeking cancellation of the mark.
5. Petitioner has acquiesced to the rights and use of the mark by Respondent since its issuance on December 30, 2008.
6. Petitioner lacks standing to petition to cancel or otherwise contest the rights, applications and registration of the Respondent.

WHEREFORE, Respondent respectfully requests that the Petition of Tech Data Corporation for Cancellation of Registration No. 3,553,646 be denied in all respects.

Dated: New York, New York
February 13, 2012

Respectfully submitted,

McCALLION & ASSOCIATES LLP

By: /Kenneth F. McCallion/

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Attorneys for Respondent and Registrant Streamone LLC

Certificate of Filing

The undersigned certifies that on the 13th day of February, 2012, the Respondent's Answer to Petition for Cancellation was filed with the Trademark Trial and Appeal Board through the ESTTA system.

/Kenneth F. McCallion/
An Attorney for Respondent/Registrant

Certificate of Mailing

The undersigned certifies that a copy of the Answer to Petition for Cancellation was served by placing in U.S. Mail, postage prepaid, on the 13th day of February, 2012, addressed to the following counsel of record:

Alan Blum, Esq.
MOSES & SINGER LLP
405 Lexington Avenue
New York, New York 10174-1299
Attorneys for Petitioner

/Kenneth F. McCallion/
An Attorney for Respondent/Registrant